

SELF-SERVICE CENTER

PROCEDURES FOR GETTING A DEFAULT DECREE WITHOUT A HEARING

IN FAMILY COURT CASES THAT DO NOT INVOLVE MINOR CHILDREN
Arizona Rules of Family Law Procedure 44(B)1(b)

REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. This procedure may be used if you meet the following requirements:

- ✓ Husband and wife **both must** be legally competent or sane.
- ✓ There are **no** minor children, common to the parties, born before or during the marriage **or** adopted by the parties during the marriage.
- ✓ Wife is **not** pregnant with husband's child.
- ✓ Neither husband or wife is making a claim for spousal maintenance/support (alimony).

YOU CANNOT USE THIS PROCEDURE IF ...

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response.

For a list of requirements, read the *"Motion and Affidavit for a Default Without a Hearing"*.

PROCEDURES

1. BEFORE YOU REQUEST A DEFAULT DECREE WITHOUT A HEARING, CHECK TO BE SURE THAT YOU HAVE:

- Properly served the other party, and filed an *"Affidavit of Service"* or the *"Notice and Request to Accept Service"* and the *"Acceptance of Service."* (Service cannot be done by publication), **AND**
- Completed and filed the *"Application and Affidavit for Entry of Default,"* and mailed a copy to the other party; **AND**
- Waited at least **60 days after** the date service was complete to sign the *"Motion and Affidavit for Default Decree Without a Hearing."*

2. COMPLETE the *"Motion and Affidavit for Default Decree Without a Hearing."*

- File the original *"Motion and Affidavit for Default Decree without a Hearing"* with the Clerk of the Court.

3. Hand-deliver or mail the following documents as indicated below:

- **1 copy** of the filed *"Motion and Affidavit for Default Decree Without a Hearing"*
- The **original** and **2 copies** of the *"Decree"* for signature by the Judge;
- **Two (2) 9" x 12" envelopes, with sufficient postage**, one addressed to you, and one addressed to the other party.

Central Court Building

201 West Jefferson, 6th floor
Phoenix, Arizona 85003
(To Family Court Administration)

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Judge's in-box)

Southeast Court Complex

222 East Javelina Drive, 1st floor
Mesa, Arizona 85210
(To Family Court Administration)

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032
(To Judge's in-box)

4. **THERE IS A REVIEW PROCESS** upon receipt of your paperwork. This process can take as long as 4-6 weeks. You can call **(602) 506-1561** between the hours of 8:00 a.m. and 5:00 p.m. to check on the status of your case. Do not call until at least four **(4)** weeks after you dropped off your default papers.
5. **IF YOUR MOTION FOR A DEFAULT DECREE WITHOUT A HEARING IS ACCEPTED:** The Judicial Officer will sign the original ***"Decree"*** and have it filed with the Clerk of the Court. The court will send a copy of the ***"Decree"*** to each party using the envelopes you provided. This is your notification that your Divorce, Legal Separation or Annulment is final.

Things You Can Do to Speed Up the Process

- Make sure to fill out the ***"Decree"*** completely by marking all applicable boxes.
- Make sure the items asked for in the ***"Decree"*** are the same as the items asked for in the ***"Petition."***
- Make sure the ***"Decree"*** is signed and verified by the Petitioner only.
- **Provide your addressed, stamped envelopes with adequate postage.**

Arizona Rules of Family Law Procedure (ARFLP), Rule 44(B)1(b), allows for application for a default decree *without hearing* in Family Court cases not involving minor children, for divorce, legal separation, *and annulment*, but be **WARNED**:

- There are special legal requirements involved in qualifying for an annulment.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.
- Consulting an experienced attorney about whether your situation *and your papers* indicate you qualify for an annulment may help you to avoid unnecessary expense, delay, and disappointment.